

(4) Credits to Fund

The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) Transfers of amounts**(1) In general**

The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) Adjustments

Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) Acceptance and use of donations

The Secretary may accept and use donations to provide assistance under section 6603 of this title. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit in the Fund.

(Pub. L. 108-266, §5, July 2, 2004, 118 Stat. 794.)

§ 6605. Advisory group**(a) In general**

To assist in carrying out this chapter, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of marine turtles.

(b) Public participation**(1) Meetings**

The Advisory Group shall—

(A) ensure that each meeting of the advisory group is open to the public; and

(B) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(2) Notice

The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(3) Minutes

Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

(c) Exemption from Federal Advisory Committee Act

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

(Pub. L. 108-266, §6, July 2, 2004, 118 Stat. 795.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (c), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

§ 6606. Authorization of appropriations

There is authorized to be appropriated to the Fund \$5,000,000 for each of fiscal years 2005 through 2009.

(Pub. L. 108-266, §7, July 2, 2004, 118 Stat. 795.)

§ 6607. Report to Congress

Not later than October 1, 2005, the Secretary shall submit to the Congress a report on the results and effectiveness of the program carried out under this chapter, including recommendations concerning how this chapter might be improved and whether the Fund should be continued in the future.

(Pub. L. 108-266, §8, July 2, 2004, 118 Stat. 796.)

CHAPTER 86—SOUTHWEST FOREST HEALTH AND WILDFIRE PREVENTION

Sec.

6701.	Findings.
6702.	Purposes.
6703.	Definitions.
6704.	Establishment of Institutes.
6705.	Cooperation between Institutes and Federal agencies.
6706.	Monitoring and evaluation.
6707.	Authorization of appropriations.

§ 6701. Findings

Congress finds that—

(1) there is an increasing threat of wildfire to millions of acres of forest land and rangeland throughout the United States;

(2) forest land and rangeland are degraded as a direct consequence of land management practices, including practices to control and prevent wildfires and the failure to harvest subdominant trees from overstocked stands that disrupt the occurrence of frequent low-intensity fires that have periodically removed flammable undergrowth;

(3) at least 39,000,000 acres of land of the National Forest System in the interior West are at high risk of wildfire;

(4) an average of 95 percent of the expenditures by the Forest Service for wildfire suppression during fiscal years 1990 through 1994 were made to suppress wildfires in the interior West;

(5) the number, size, and severity of wildfires in the interior West are increasing;

(6) of the timberland in National Forests in the States of Arizona and New Mexico, 59 percent of such land in Arizona, and 56 percent of such land in New Mexico, has an average diameter of 9 to 12 inches diameter at breast height;

(7) the population of the interior West grew twice as fast as the national average during the 1990s;

(8) catastrophic wildfires—

(A) endanger homes and communities;

(B) damage and destroy watersheds and soils; and

(C) pose a serious threat to the habitat of threatened and endangered species;

(9) a 1994 assessment of forest health in the interior West estimated that only a 15- to 30-year window of opportunity exists for effective management intervention before damage from uncontrollable wildfire becomes widespread, with 8 years having already elapsed since the assessment;

(10) healthy forest and woodland ecosystems—

- (A) reduce the risk of wildfire to forests and communities;
- (B) improve wildlife habitat and biodiversity;
- (C) increase tree, grass, forb, and shrub productivity;
- (D) enhance watershed values;
- (E) improve the environment; and
- (F) provide a basis in some areas for economically and environmentally sustainable uses;

(11) sustaining the long-term ecological and economic health of interior West forests and woodland, and their associated human communities requires preventing severe wildfires before the wildfires occur and permitting natural, low-intensity ground fires;

(12) more natural fire regimes cannot be accomplished without the reduction of excess fuels and thinning of subdominant trees (which fuels and trees may be of commercial value);

(13) ecologically based forest and woodland ecosystem restoration on a landscape scale will—

- (A) improve long-term community protection;
- (B) minimize the need for wildfire suppression;
- (C) improve resource values;
- (D) improve the ecological integrity and resilience of these systems;
- (E) reduce rehabilitation costs;
- (F) reduce loss of critical habitat; and
- (G) protect forests for future generations;

(14) although landscape scale restoration is needed to effectively reverse degradation, scientific understanding of landscape scale treatments is limited;

(15) rigorous, objective, understandable, and applied scientific information is needed for—

- (A) the design, implementation, monitoring, and adaptation of landscape scale restoration treatments and improvement of wildfire management;
- (B) the environmental review process; and
- (C) affected entities that collaborate in the development and implementation of wildfire treatment.

(Pub. L. 108–317, §2, Oct. 5, 2004, 118 Stat. 1204.)

SHORT TITLE

Pub. L. 108–317, §1, Oct. 5, 2004, 118 Stat. 1204, provided that: “This Act [enacting this chapter] may be cited as the ‘Southwest Forest Health and Wildfire Prevention Act of 2004’.”

§ 6702. Purposes

The purposes of this chapter are—

- (1) to enhance the capacity to develop, transfer, apply, monitor, and regularly update practical science-based forest restoration treatments that will reduce the risk of severe wildfires, and improve the health of dry forest and woodland ecosystems in the interior West;
- (2) to synthesize and adapt scientific findings from conventional research programs to the implementation of forest and woodland restoration on a landscape scale;
- (3) to facilitate the transfer of interdisciplinary knowledge required to understand the

socioeconomic and environmental impacts of wildfire on ecosystems and landscapes;

(4) to require the Institutes established under this chapter to collaborate with Federal agencies—

- (A) to use ecological restoration treatments to reverse declining forest health and reduce the risk of severe wildfires across the forest landscape; and

(B) to design, implement, monitor, and regularly revise representative wildfire treatments based on the use of adaptive ecosystem management;

(5) to assist land managers in—

(A) treating acres with restoration-based applications; and

(B) using new management technologies (including the transfer of understandable information, assistance with environmental review, and field and classroom training and collaboration) to accomplish the goals identified in—

- (i) the National Fire Plan;
- (ii) the report entitled “Protecting People and Sustaining Resources in Fire-Adapted Ecosystems-A Cohesive Strategy” (65 Fed. Reg. 67480); and
- (iii) the report entitled “10-Year Comprehensive Strategy: A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment” of the Western Governors’ Association;

(6) to provide technical assistance to collaborative efforts by affected entities to develop, implement, and monitor adaptive ecosystem management restoration treatments that are ecologically sound, economically viable, and socially responsible; and

(7) to assist Federal and non-Federal land managers in providing information to the public on the role of fire and fire management in dry forest and woodland ecosystems in the interior West.

(Pub. L. 108–317, §3, Oct. 5, 2004, 118 Stat. 1205.)

§ 6703. Definitions

In this chapter:

(1) Adaptive ecosystem management

(A) Definition

The term “adaptive ecosystem management” means a natural resource management process under which planning, implementation, monitoring, research, evaluation, and incorporation of new knowledge are combined into a management approach that—

- (i) is based on scientific findings and the needs of society;
- (ii) treats management actions as experiments;
- (iii) acknowledges the complexity of these systems and scientific uncertainty; and
- (iv) uses the resulting new knowledge to modify future management methods and policy.

(B) Clarification

This paragraph shall not define the term “adaptive ecosystem management” for the

purposes of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.).

(2) Affected entities

The term “affected entities” includes—

- (A) land managers;
- (B) stakeholders;
- (C) concerned citizens; and
- (D) the States of the interior West, including political subdivisions of the States.

(3) Dry forest and woodland ecosystem

The term “dry forest and woodland ecosystem” means an ecosystem that is dominated by ponderosa pines and associated dry forest and woodland types.

(4) Institute

The term “Institute” means an Institute established under section 6704(a) of this title.

(5) Interior West

The term “interior West” means the States of Arizona, Colorado, Idaho, Nevada, New Mexico, and Utah.

(6) Land manager

(A) In general

The term “land manager” means a person or entity that practices or guides natural resource management.

(B) Inclusions

The term “land manager” includes a Federal, State, local, or tribal land management agency.

(7) Restoration

The term “restoration” means a process undertaken to move an ecosystem or habitat toward—

- (A) a sustainable structure of the ecosystem or habitat; or
- (B) a condition that supports a natural complement of species, natural function, or ecological process (such as a low-intensity fire).

(8) Secretary

The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(9) Secretaries

The term “Secretaries” means—

- (A) the Secretary of Agriculture, acting through the Chief of the Forest Service; and
- (B) the Secretary of the Interior.

(10) Stakeholder

The term “stakeholder” means any person interested in or affected by management of forest or woodland ecosystems.

(11) Subdominant trees

Are trees that occur underneath the canopy or extend into the canopy but are smaller and less vigorous than dominant trees.

(12) Overstocked stands

Where the number of trees per acre exceeds the natural carrying capacity of the site.

(13) Resilience

The ability of a system to absorb disturbance without being pushed into a different, possibly less desirable stable state.

(Pub. L. 108-317, §4, Oct. 5, 2004, 118 Stat. 1206.)

REFERENCES IN TEXT

The Forest and Rangeland Renewable Resources Planning Act of 1974, referred to in par. (1)(B), is Pub. L. 93-378, Aug. 17, 1974, 88 Stat. 476, as amended, which is classified generally to subchapter I (§1600 et seq.) of chapter 36 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1600 of this title and Tables.

§ 6704. Establishment of Institutes

(a) In general

The Secretary, in consultation with the Secretary of the Interior, shall—

- (1) not later than 180 days after October 5, 2004, establish Institutes to promote the use of adaptive ecosystem management to reduce the risk of wildfires, and restore the health of forest and woodland ecosystems, in the interior West; and
- (2) provide assistance to the Institutes to promote the use of collaborative processes and adaptive ecosystem management in accordance with paragraph (1).

(b) Location

(1) Existing Institutes

The Secretary may designate an institute in existence on October 5, 2004, to serve as an Institute established under this chapter.

(2) States

Of the Institutes established under this chapter, the Secretary shall establish 1 Institute in each of—

- (A) the State of Arizona, to be located at Northern Arizona University;
- (B) the State of New Mexico, to be located at New Mexico Highlands University, while engaging the full resources of the consortium of universities represented in the Institute of Natural Resource Analysis and Management (INRAM); and
- (C) the State of Colorado.

(c) Duties

Each Institute shall—

- (1) develop, conduct research on, transfer, promote, and monitor restoration-based hazardous fuel reduction treatments to reduce the risk of severe wildfires and improve the health of dry forest and woodland ecosystems in the interior West;
- (2) synthesize and adapt scientific findings from conventional research to implement restoration-based hazardous fuel reduction treatments on a landscape scale using an adaptive ecosystem management framework;
- (3) translate for and transfer to affected entities any scientific and interdisciplinary knowledge about restoration-based hazardous fuel reduction treatments;
- (4) assist affected entities with the design of adaptive management approaches (including monitoring) for the implementation of restoration-based hazardous fuel reduction treatments; and
- (5) provide peer-reviewed annual reports.

(d) Qualifications

Each Institute shall—

(1) develop and demonstrate capabilities in the natural, physical, social, and policy sciences; and

(2) explicitly integrate those disciplines in the performance of the duties listed in subsection (c).

(e) Cooperation

Each Institute may cooperate with—

(1) researchers and cooperative extension programs at colleges, community colleges, and universities in the States of Arizona, New Mexico, and Colorado that have a demonstrated capability to conduct research described in subsection (c); and

(2) other organizations and entities in the interior West (such as the Western Governors' Association).

(f) Annual work plans

As a condition of the receipt of funds made available under this chapter, for each fiscal year, each Institute shall develop in consultation with the Secretary, for review by the Secretary, in consultation with the Secretary of the Interior, an annual work plan that includes assurances, satisfactory to the Secretaries, that the proposed work of the Institute will serve the informational needs of affected entities.

(g) Establishment of additional Institutes

If after 2 years after October 5, 2004, the Secretary finds that the Institute model established at the locations named in subsection (b)(2) would be constructive for other interior West States, the Secretary may establish 1 institute in each of those States.

(Pub. L. 108-317, § 5, Oct. 5, 2004, 118 Stat. 1207.)

§ 6705. Cooperation between Institutes and Federal agencies

In carrying out this chapter, the Secretary, in consultation with the Secretary of the Interior—

(1) to the extent that funds are appropriated for the purpose, shall provide financial and technical assistance to the Institutes to carry out the duties of the Institutes under section 6704 of this title;

(2) shall encourage Federal agencies to use, on a cooperative basis, information and expertise provided by the Institutes;

(3) shall encourage cooperation and coordination between Federal programs relating to—

- (A) ecological restoration;
- (B) wildfire risk reduction; and
- (C) wildfire management technologies;

(4) notwithstanding chapter 63 of title 31, may—

(A) enter into contracts, cooperative agreements, and interagency personnel agreements to carry out this chapter; and

(B) carry out other transactions under this chapter;

(5) may accept funds from other Federal agencies to supplement or fully fund grants made, and contracts entered into, by the Secretaries;

(6) may support a program of internships for qualified individuals at the undergraduate and

graduate levels to carry out the educational and training objectives of this chapter;

(7) shall encourage professional education and public information activities relating to the purposes of this chapter; and

(8) may promulgate such regulations as the Secretaries determine are necessary to carry out this chapter.

(Pub. L. 108-317, § 6, Oct. 5, 2004, 118 Stat. 1208.)

§ 6706. Monitoring and evaluation

(a) In general

Not later than 5 years after October 5, 2004, and every 5 years thereafter, the Secretary, in consultation with the Secretary of the Interior, shall complete and submit to the Committee on Resources and the Committee on Agriculture of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate a detailed evaluation of the programs and activities of each Institute—

(1) to ensure, to the maximum extent practicable, that the research, communication tools, and information transfer activities of each Institute are sufficient to achieve the purposes of this chapter, including—

(A) implementing active adaptive ecosystem management practices at the landscape level;

(B) reducing unnecessary planning costs;

(C) avoiding duplicative and conflicting efforts;

(D) increasing public acceptance of active adaptive ecosystem management practices; and

(E) achieving general satisfaction on the part of affected entities;

(2) to determine the extent to which each Institute has implemented its duties under section 6704(c) of this title; and

(3) to determine whether continued provision of Federal assistance to each Institute is warranted.

(b) Termination of assistance

If, as a result of an evaluation under subsection (a), the Secretary, in consultation with the Secretary of the Interior, determines that an Institute does not qualify for further Federal assistance under this chapter, the Institute shall receive no further Federal assistance under this chapter until such time as the qualifications of the Institute are reestablished to the satisfaction of the Secretaries.

(Pub. L. 108-317, § 7, Oct. 5, 2004, 118 Stat. 1209.)

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 6707. Authorization of appropriations

(a) In general

There is authorized to be appropriated to carry out this chapter \$15,000,000 for each fiscal year.

(b) Limitation

No funds made available under subsection (a) shall be used to pay the costs of constructing any facilities.

(Pub. L. 108-317, §8, Oct. 5, 2004, 118 Stat. 1210.)

CHAPTER 87—FEDERAL LANDS RECREATION ENHANCEMENT

Sec.	
6801.	Definitions.
6802.	Recreation fee authority.
6803.	Public participation.
6804.	Recreation passes.
6805.	Cooperative agreements.
6806.	Special account and distribution of fees and revenues.
6807.	Expenditures.
6808.	Reports.
6809.	Sunset provision.
6810.	Volunteers.
6811.	Enforcement and protection of receipts.
6812.	Repeal of superseded admission and use fee authorities.
6813.	Relation to other laws and fee collection authorities.
6814.	Limitation on use of fees for employee bonuses.

§ 6801. Definitions

In this chapter:

(1) Standard amenity recreation fee

The term “standard amenity recreation fee” means the recreation fee authorized by section 6802(f) of this title.

(2) Expanded amenity recreation fee

The term “expanded amenity recreation fee” means the recreation fee authorized by section 6802(g) of this title.

(3) Entrance fee

The term “entrance fee” means the recreation fee authorized to be charged to enter onto lands managed by the National Park Service or the United States Fish and Wildlife Service.

(4) Federal land management agency

The term “Federal land management agency” means the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service.

(5) Federal recreational lands and waters

The term “Federal recreational lands and waters” means lands or waters managed by a Federal land management agency.

(6) National Parks and Federal Recreational Lands Pass

The term “National Parks and Federal Recreational Lands Pass” means the interagency national pass authorized by section 6804 of this title.

(7) Passholder

The term “passholder” means the person who is issued a recreation pass.

(8) Recreation fee

The term “recreation fee” means an entrance fee, standard amenity recreation fee, expanded amenity recreation fee, or special recreation permit fee.

(9) Recreation pass

The term “recreation pass” means the National Parks and Federal Recreational Lands

Pass or one of the other recreation passes available as authorized by section 6804 of this title.

(10) Secretary

The term “Secretary” means—

(A) the Secretary of the Interior, with respect to a Federal land management agency (other than the Forest Service); and

(B) the Secretary of Agriculture, with respect to the Forest Service.

(11) Secretaries

The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture acting jointly.

(12) Special account

The term “special account” means the special account established in the Treasury under section 6806 of this title for a Federal land management agency.

(13) Special recreation permit fee

The term “special recreation permit fee” means the fee authorized by section 6802(h) of this title.

(Pub. L. 108-447, div. J, title VIII, §802, Dec. 8, 2004, 118 Stat. 3377.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, and was translated as reading “this title”, meaning title VIII of div. J of Pub. L. 108-447, Dec. 8, 2004, 118 Stat. 3377, known as the Federal Lands Recreation Enhancement Act, to reflect the probable intent of Congress. For complete classification of title VIII to the Code, see Short Title note set out below and Tables.

Sections 6802, 6804 and 6806 of this title, referred to in text, were in the original references to sections 3, 5 and 7, respectively, and were translated as meaning sections 803, 805 and 807, respectively, of title VIII of div. J of Pub. L. 108-447, to reflect the probable intent of Congress.

SHORT TITLE

Pub. L. 108-447, div. J, title VIII, §801(a), Dec. 8, 2004, 118 Stat. 3377, provided that: “This title [enacting this chapter, amending section 4601-6a of this title, repealing sections 3911, 5982, and 5991 to 5995 of this title, and repealing provisions set out as a note under 4601-6a of this title] may be cited as the ‘Federal Lands Recreation Enhancement Act’.”

§ 6802. Recreation fee authority

(a) Authority of Secretary

Beginning in fiscal year 2005 and thereafter, the Secretary may establish, modify, charge, and collect recreation fees at Federal recreational lands and waters as provided for in this section.

(b) Basis for recreation fees

Recreation fees shall be established in a manner consistent with the following criteria:

(1) The amount of the recreation fee shall be commensurate with the benefits and services provided to the visitor.

(2) The Secretary shall consider the aggregate effect of recreation fees on recreation users and recreation service providers.

(3) The Secretary shall consider comparable fees charged elsewhere and by other public agencies and by nearby private sector operators.